

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

RAMONA SHIVER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:06-cv-00008-DRB
	)	[wo]
JO ANNE B. BARNHART,	)	
COMMISSIONER OF SOCIAL SECURITY,	)	
	)	
Defendant.	)	

ORDER ON MOTION

On June 20, 2006, this court entered a *Final Judgment* remanding this case to the Commissioner of Social Security for further proceedings pursuant to *sentence four* of 42 U.S.C. §405(g). (Docs. 18 and 19). Submitted now is the *Plaintiff's Motion for Attorney's Fees* filed with a supporting brief and a schedule of hours on September 18, 2006 (Docs. 21, 22 and 23). The Commissioner "requests that Plaintiff be awarded fees and expenses...and agrees Plaintiff should be compensated for the filing fee . . . from Judgment Fund administered by the United States Treasury." (*Defendant's Response* , Doc. 25, Oct. 4, 2006).

Plaintiff Ramona Shiver ("Plaintiff") seeks a total award of \$2717.60, consisting of \$2,467.60 for attorney's fees to counsel of record, Georgia H. Ludlum and \$250.00 as the filing cost. The Commissioner reports the parties' consultation and subsequent determination that "Plaintiff's request contained a typographical error [;]...that she sought reimbursement for 15.05 hours rather than 15.5 [; and] Plaintiff has no objection to an award of EAJA fees in the amount of \$2,395.96 (representing 15.05 attorney hours at \$159.20 per hour)." Scrutiny of the fee itemization reflects Plaintiff's requested 15.5 hours but the claimed hours added together equal only 15.05 hours. See Doc. 23.

Plaintiff's *Motion* is timely filed, and she is a "prevailing party" within the meaning of 28 U.S.C. §2412(d)(1)(A), in that the court remanded this case for further consideration. Plaintiff has documented inflationary increases in the consumer price index which authorize an increase from the \$125.00 hourly fee specified in the EAJA to the requested hourly rate of \$159.20. This hourly rate is reasonable as are the 15.05 hours expended for itemized legal services between December 29, 2005 and September 18, 2006. The court also finds reasonable the claimed filing costs.

Accordingly, it is the

**ORDER, JUDGMENT, and DECREE** of this court that Plaintiff's *Motion* (Doc. 21) is **GRANTED** as follows:

1. Plaintiff's *Motion* for an award of attorney's fees and expenses is **GRANTED** in the total amount of **\$2,395.96**, payable to the Law Offices of Georgia H. Ludlum.
2. Plaintiff's *Motion* for reimbursement of the filing fee is **GRANTED** in the total amount of **\$250.00** as a **judgment for costs**.

DONE this 5<sup>th</sup> day of October, 2006.

/s/ Delores R. Boyd  
DELORES R. BOYD  
UNITED STATES MAGISTRATE JUDGE